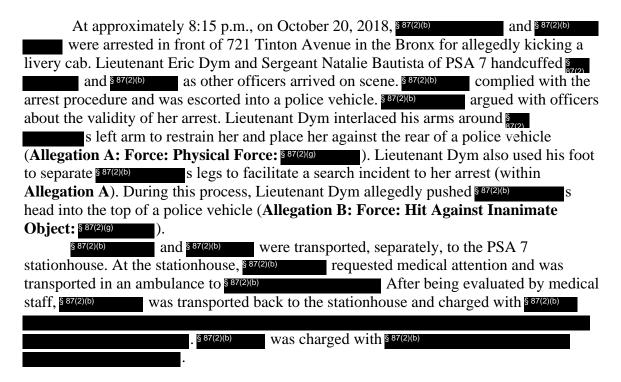
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	√ F	orce		Discourt.	U.S.
Matthew Chaves		Squad #10	201808725	\square A	buse		O.L.	Injury
Incident Date(s)		Location of Incident:		Pre	ecinct:	18	Mo. SOL	EO SOL
Saturday, 10/20/2018 8:15 PM		721 Tinton Avenue			40	4/	20/2020	12/5/2020
Date/Time CV Reported		CV Reported At:	How CV Reported	: D	ate/Time	Rece	ived at CCI	₹B
Sun, 10/21/2018 4:05 PM		CCRB	Call Processing System	S	un, 10/21	/2018	3 4:05 PM	
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. LT Eric Dym	00000	933762	PSA 7					
Witness Officer(s)	Shield N	Tax No	Cmd Name					-
1. POM John Olsen	16266	957920	PSA 7					
2. LT Mark Herman	00000	944648	PSA 7					
3. SGT Natalie Bautista	01127	926408	PSA 7					
4. SGT Edwin Reyes	01641	939296	PSA 7					
5. SGT Augusto Hernandez	00353	935012	PSA 7					
6. LT Anselmo Ioele	00000	938869	PSA 7					
7. POM Dang Nguyen	08326	940509	PSA 7					
Officer(s)	Allegation	on			Inve	stiga	tor Recon	nmendation
A.LT Eric Dym	Force: L: § 87(2)(b)	ieutenant Eric Dym usec	l physical force agai	nst				
B.LT Eric Dym	Force: L	ieutenant Eric Dym hit§	87(2)(b) aga	inst a				

Case Summary

On October 21, 2018, \$87(2)(5) filed the following complaint via the DIRAD messaging system.



The investigation obtained BWC video footage of this incident from seven PSA 7 officers: Sergeant Bautista (**Board Review 10**), Lieutenant Dym (**Board Review 12**), Sergeant Edwin Reyes (**Board Review 21**), Police Officer John Olson (**Board Review 22**), Sergeant Augusto Hernandez (**Board Review 23**), Lieutenant Anselmo Ioele (**Board Review 14**), and Police Officer Dang Nguyen (**Board Review 24**).

Findings and Recommendations

Allegation A – Force: Lieutenant Eric Dym used physical force against 8 87(2)(6)

Allegation B – Force: Lieutenant Eric Dym hit 887(2)(6)

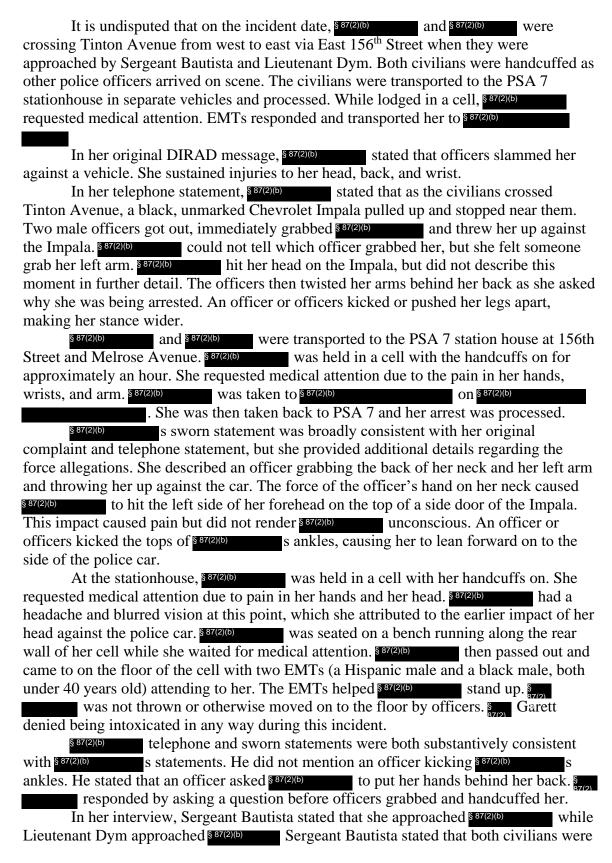
against a vehicle.

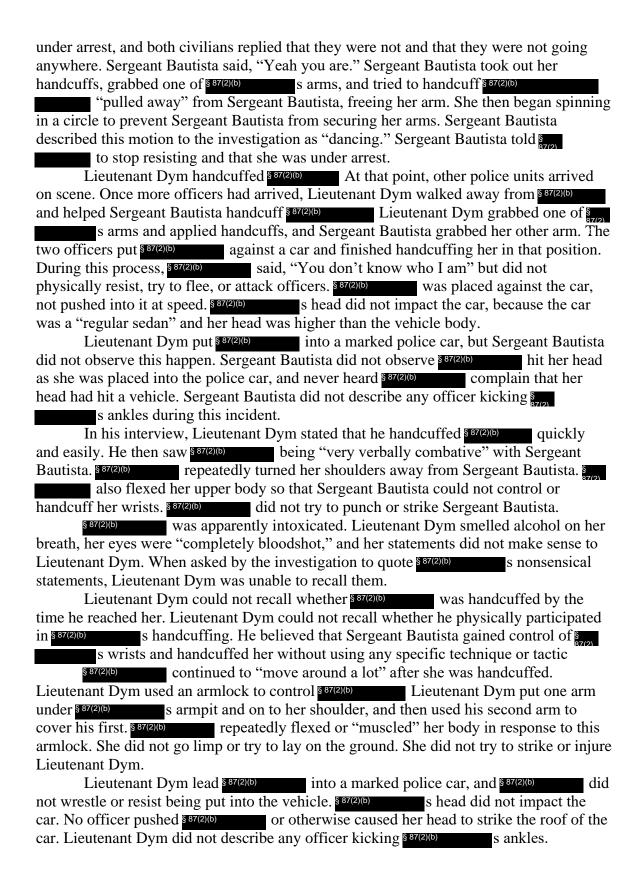
Review 01), and was interviewed at the CCRB on October 29, 2018 (Board Review 02).

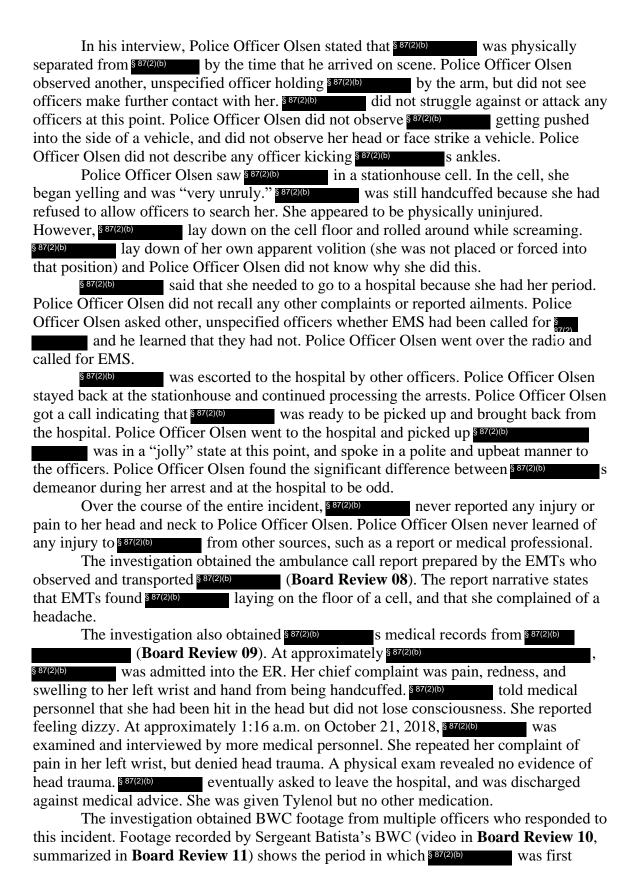
§ 87(2)(b) provided a telephone statement on October 29, 2018 (Board Review 02).

§ 87(2)(c) provided a telephone statement on October 24, 2018 (Board Review 03), and was interviewed at the CCRB on October 29, 2018 (Board Review 04). Sergeant Bautista was interviewed on February 7, 2019 (Board Review 05). Police Officer John Olsen of PSA 7 was interviewed on February 13, 2019 (Board Review 06). Lieutenant Dym was interviewed on February 21, 2019 (Board Review 07).

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timestamp 0:26, Lieutenant Dym grips \$87(2)(b) s left arm. Her arm is bent behind her back, and Lieutenant Dym has his left arm laced underneath Garret's left elbow. Lieutenant Dym's left hand grips his own right wrist to create an armlock, and his right hand rests on top of \$87(2)(b) s left shoulder. \$87(2)(b) s lower body is either pressed against the sedan's rear quarter panel or very close to it. Her chest, shoulders, and head are all higher than the sedan's body, and she is standing up straight (not bent forward). At timestamp 0:46, § 87(2)(b) argues with Lieutenant Dym and Sergeant Bautista, denying that she or §87(2)(b) ever kicked a taxi. §87(2)(b) body and steps away from the sedan, pulling Lieutenant Dym with her. Lieutenant Dym to "Stop, stop!" and \$87(2)(6) stops walking. At timestamp 1:29, Lieutenant Dym walks backward, away from Sergeant Bautista, while maintaining his steps or is pulled backwards. As she armlock on § 87(2)(b) s shoulder. § 87(2)(b) asks, "Why you doing that?" Lieutenant Dym and §87(2)(b) both stopping moving approximately one to two steps away from the trunk of the unmarked sedan. At timestamp 1:44, Lieutenant Dym uses the arm lock to rotate so that her front is angled towards the sedan's trunk. Lieutenant Dym then appears to kick or push §87(2)(b) s legs apart, prompting §87(2)(b) you're doing that? Is that being recorded?" Lieutenant Dym tells \$87(2)(b) to "Stop" while again pulling on her arm and shoulder. §87(2)(b) repeatedly yells "Ma'am" at Sergeant Bautista while Sergeant Bautista tells her to "cut it out." At timestamp 1:59, Is torso is against the sedan's trunk, but her neck, head, and face do not touch the vehicle. Sergeant Bautista then reaches into §87(2)(b) s pants pockets. Lieutenant Dym's BWC footage (video in **Board Review 12**, summarized in **Board Review 13**) also captures this portion of the incident, but from a less clear vantage point. Lieutenant Dym's BWC was clipped to the front of his body, and the lens was often blocked by s body as she was arrested. Footage recorded by Lieutenant Anselmo Ioele's BWC (video in Board Review 14, summarized in **Board Review 15**) shows the period in which § 87(2)(b) placed into a marked police SUV for transport. Between timestamp 0:28 and timestamp ():51, § 87(2)(b) enters the frame from the right side, with Lieutenant Dym gripping her left arm in an armlock. § 87(2)(b) enters the rear passenger area of the SUV and sits down. She does not appear to hit any part of her body on the vehicle's doorframe. Lieutenant Dym repeatedly orders \$87(2)(b) to put her feet inside the vehicle. asks where she is being taken and Lieutenant Ioele tells her "PSA 7." He then closes the vehicle door. The rest of the video shows §87(2)(b) being transported, processed, and lodged in a stationhouse cell. Throughout the video, no injury is visible to s head, neck, or face, and §87(2)(b) remains conscious and consistently verbal. Footage from Sergeant Reyes' BWC is consistent with the footage from Sergeant Bautista's, Lieutenant Dym's, and Lieutenant Ioele's cameras. Footage from Police

brought near a police vehicle, a grey, unmarked sedan. Between timestamp 0:12 and

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Officer Olson's, Sergeant Hernandez's, and Police Officer Nguyen's BWCs does not

capture any of the FADO allegations.

It is undisputed that Lieutenant Dym used an armlock to maintain control of and move her into a police vehicle. While the interviewed officers did not describe or deny Lieutenant Dym using his feet to push or kick \$\mathbb{\
§ 87(2)(g)
According to NYPD Patrol Guide Procedure 221-01, any use of force by officers must be reasonable under the circumstances (Board Review 16). Officers may use reasonable force to place a person in custody or prevent escape from custody. [87(2)(g)]
§ 87(2)(g)

Civilian and Officer CCRB Histories

This is the first CCRB complaint to which \$87(2)(b) has been a party (Board) **Review 17**).

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- This is the first CCRB complaint to which \$87(2)(b) has been a party (**Board Review 19**).
- Lieutenant Dym has been a member of service for 15 years and has been a subject in 16 other CCRB complaints and 28 allegations, of which one was substantiated:
 - CCRB complaint number 201114190 involved a substantiated allegation of stop against Lieutenant Dym. The Board recommended command discipline and the NYPD imposed no disciplinary action based on the statute of limitations.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- A request for any Notice of Claim filed regarding this incident has been submitted to the New York City Office of the Comptroller and the results will be added to the case file upon receipt.

§ 87(2)(b)			
		rt Administration (OCA), §87(2)(b) Tork City (Board Review 20).	has no
Squad No.: 10			
nvestigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date